# IN AND BEFORE THE OKLAHOMA STATE BOARD OF DENTISTRY STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel., THE OKLAHOMA BOARD OF DENTISTRY, Plaintiff	) ) )	
vs.	)	Case No: 20-35(A)
CHRISTINA SMAILEY, D.A. Permit #DA11928 Respondent	)	

#### STATEMENT OF COMPLAINT

YOU ARE HEREBY NOTIFIED on the following charges made against you.

#### GENERAL BACKGROUND

- 1. The Board has jurisdiction over the Defendant the subject matter herein pursuant to the Oklahoma State Dental Act 59 O.S. § 328.1 et. seq. and the Board of Dentistry Rules and Regulations, Title 195 et. seq.
- 2. CHRISTINA SMAILEY, D.A. # DA11928 is permitted as a dental assistant in the State of Oklahoma. She was originally permitted under dental assistant permit # DA056 under Christina Andrews with expanded duty functions of x-ray and coronal polishing which expired on December 31, 2014. She attempted to renew her permit on April 21, 2020 and a new dental assistant permit was issued under # DA11928 with no expanded functions. Her permit is currently in full force. She has not been before the Board on any action previously. The actions relevant to the Statement of Complaint occurred in and around the city of Edmond, Oklahoma County, Oklahoma.
- 3. The acts and omissions, which constitute the allegations contained in the Statement of Complaint, occurred during the period from January 1, 2015 through April 21, 2020, and from January 1, 2021 through May 10, 2021 but at all times relevant to the State Dental Act and Oklahoma State laws. The requirements of the State Dental Act and the Rules and Regulations of the Board to regulate the conduct herein were in effect for all times appropriate to the actions described in the Statement of Complaint.

## **SPECIFIC ALLEGATIONS**

Each of the paragraphs, as stated above, are incorporated and adopted by reference herein for each specific allegation.

- 1. A complaint was generated on or about April 21, 2020 regarding a dental assistant that had been working without a valid permit for approximately five years. Dr. Howl assigned Dr. Stanley Crawford and Dr. Lisa Nowlin to the investigative panel.
- 2. On April 21, 2020, Christina Smailey, DA permit #11928, contacted the Board staff to advise she was unable to renew her dental assistant permit for 2020 and was inquiring on what she needed to do to have her permit renewed. Christina Smailey advised Board staff that her permit was very overdue and believed that her prior permit was under her maiden last name of Kinnett. Upon further review by Board staff they were unable to locate any prior dental assistant permits for the last name of Smailey or Kinnett. Board staff asked Christina Smailey to submit a new dental assistant application and upon receiving said application Christina Smailey had documented that she had been employed at Dr. Tim Brooks' dental practice in Edmond, Oklahoma since October 1, 2008. Board staff believed that Christina Smailey had been working as a dental assistant at Dr. Tim Brooks dental practice without a dental assistant permit for an unknown period of time, possibly five years.
- 3. On May 6, 2021 Investigator Lowe conducted a check on Christina Smailey's dental assistant permit (DA permit #11928) and discovered that her dental assistant permit had expired on 12-31-2020 and she had not renewed her dental assistant permit for 2021.
- 4. On May 10, 2021 Investigator Lowe contacted dental assistant Christina Smailey, via telephone, who admitting to failing to renew her dental assistant permit for 2021. Christina Smailey confirmed that she had been working for Dr. Brooks dental practice since October of 2008 and during that time had worked both chairside and as an office assistant. Investigator Lowe inquired to prior to April of 2020 when had she last renewed her dental assistant permit and Smailey advised that it had been several years. Investigator Lowe asked about any other last names her dental assistant permit could have been under and Smailey provided the last name of Andrews. Upon conducting a check in the Oklahoma Board of Dentistry License / Permit Database Investigator Lowe located Smailey's original dental assistant permit under permit # DA056 and found that this permit had expired on 12-31-2014.
- 5. Christina Smailey renewed her dental assistant permit (DA Permit #DA11928) with the Oklahoma State Board of Dentistry on May 10 of 2021 including the late fee.
- 6. The Respondent has taken full responsibility for her actions and has fully cooperated with investigators.

## The above acts and omissions set forth above constitutes violations of the State Dental Act including violations of State and Federal laws.

CT. I – PRACTICING AS A DENTAL ASSISTANT WITHOUT BEING PERMITTED IN VIOLATION OF 59 O.S §328.24. Specifically, for allowing Christina Smailey, D.A. to work from January 1, 2015 to April 21, 2020, and from January 1, 2021 to May 10, 2021 with no valid dental assistant permit.

CT. II – FAILURE TO DISPLAY PERMIT IN VIOLATION OF 59 O.S.§ 328.21, specifically for not displaying a current dental assistant permit for Christina Smailey, D.A. from January 1, 2015 to April 21, 2020, and from January 1, 2021 to May 10, 2021.

### POTENTIAL SANCTION(S)

The Board is authorized, after notice or opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order to impose sanction(s) whenever the Board finds, by clear and convincing evidence, that a licensee has violated the State Laws or Rules in regards to their license. The minimum to maximum sanction in the matter ranges from no action to revocation of license and an administrative fine of up to \$1500 per violation. We request for the matter to be set for hearing on the next Board Agenda.

#### **ATTORNEY'S FEES**

The Board is authorized, after notice or opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to request the costs of prosecution and attorney's fees be recovered from the Respondent. The Board is requesting costs and attorney's fees.

Respectfully Submitted,

Susan Rogers, Esq. Executive Director

Date

Panel Members

Dr. Stanley Crawford
Dr. Lisa Ann Nowlin

<u>Investigator</u> Steve Lowe

,			
			ı